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HOUSE BILL 1671

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kirby, Campbell, Williams and Wood

Read first time 02/01/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to allowing attorneys to recover actual costs for  
2 service of process; and amending RCW 4.84.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 4.84.010 and 1993 c 48 s 1 are each amended to read as  
5 follows:

6            The measure and mode of compensation of attorneys and counselors,  
7 shall be left to the agreement, expressed or implied, of the parties,  
8 but there shall be allowed to the prevailing party upon the judgment  
9 certain sums by way of indemnity for the prevailing party's expenses in  
10 the action, which allowances are termed costs, including, in addition  
11 to costs otherwise authorized by law, the following expenses:

12            (1) Filing fees;

13            (2) Fees for the service of process by a public officer, registered  
14 process server, or other means, as follows:

15            (a) When service is by a public officer, the recoverable cost is  
16 the fee authorized by law at the time of service.

17            (b) If service is by a process server registered pursuant to  
18 chapter 18.180 RCW or a person exempt from registration, the

1 recoverable cost is the amount (~~reasonably~~) actually charged and  
2 incurred in effecting service;

3 (3) Fees for service by publication;

4 (4) Notary fees, but only to the extent the fees are for services  
5 that are expressly required by law and only to the extent they  
6 represent actual costs incurred by the prevailing party;

7 (5) Reasonable expenses, exclusive of attorneys' fees, incurred in  
8 obtaining reports and records, which are admitted into evidence at  
9 trial or in mandatory arbitration in superior or district court,  
10 including but not limited to medical records, tax records, personnel  
11 records, insurance reports, employment and wage records, police  
12 reports, school records, bank records, and legal files;

13 (6) Statutory attorney and witness fees; and

14 (7) To the extent that the court or arbitrator finds that it was  
15 necessary to achieve the successful result, the reasonable expense of  
16 the transcription of depositions used at trial or at the mandatory  
17 arbitration hearing: PROVIDED, That the expenses of depositions shall  
18 be allowed on a pro rata basis for those portions of the depositions  
19 introduced into evidence or used for purposes of impeachment.

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